

THE WHITE HOUSE
WASHINGTON

file 3-1

ON-FILE NSC RELEASE INSTRUCTIONS APPLY

December 21, 1970

MEMORANDUM FOR:

The Secretary of State
The Secretary of Defense
The Attorney General
The Director, U.S. Arms Control and
Disarmament Agency
The Chairman, Joint Chiefs of Staff
The Director of Central Intelligence
The Administrator, National Aeronautics
and Space Administration

SUBJECT:

Disclosures of Classified Information
and Coordination and Clearance of
Official Statements

I am becoming increasingly concerned about the disclosure in public media of classified information bearing upon important aspects of national security, particularly that which tends to jeopardize intelligence sources and methods. Such disclosures present a serious threat to our national interests and I am determined that the practice of releasing such information without proper authorization will be brought to an end.

Executive Order 10501, of December 15, 1953, as amended, established regulations and procedures for safeguarding classified information, while especially sensitive data are protected by special systems of clearances.

I direct that immediate steps be taken within the jurisdiction of each addressee to ensure that existing regulations and procedures

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-2-

designed to safeguard classified information be reviewed and strengthened where necessary. These regulations and procedures should assure that only those individuals with a demonstrated "need-to-know" receive classified information and that all recipients are constantly aware of the necessity to protect it from public disclosure. They should provide for an adequate security review of all statements and documents made public on subjects with important security connotations. Further, I wish responsible officials to take firm disciplinary action against individuals under their jurisdiction found responsible for careless or deliberate mishandling of classified information.

The Director of Central Intelligence has the statutory responsibility for the protection of intelligence sources and methods. Accordingly, I shall look to him to provide guidance in this field, especially through the machinery of the intelligence community. I shall expect him to keep me informed of developments and I wish department and agency heads to cooperate fully with him.

I also reaffirm the following instructions which I issued on September 1, 1970 concerning coordination and clearance of public statements and press releases and the necessity for White House clearance of all official communications having policy implications:

--"Public statements and press releases: Prior to release, all public communications on matters of known or potential Presidential interest must be carefully cleared by the White House (Assistant to the President for National Security) for consistency with Presidential policy and for coordination with the departments and agencies who share overlapping interests and responsibilities. Should there be any uncertainty as to Presidential or interdepartmental interest, it will be resolved in favor of clearance."

--"Official communications: All official communications with policy implications must be cleared by the White House. When in doubt, the rule is that messages will be so cleared. This procedure requires close and confidential staff relationships at all levels between the White House and your department as well as among departments."

Signed
RICHARD NIXON

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UNITED STATES INTELLIGENCE BOARD

OFFICE OF THE CHAIRMAN

12


23 April 1971

MEMORANDUM FOR USIB PRINCIPALS

SUBJECT : Guidance Governing Disclosures of
Classified Intelligence

1. In accordance with the discussion in executive session of the United States Intelligence Board on April 22, 1971, I am attaching two copies of the agreed Guidance Governing Disclosures of Classified Intelligence. This has been concurred in by all addressees of the President's memorandum of December 21, 1970.

2. I am also enclosing, for your information, a copy of my report to the President in response to his memorandum. I would call your attention to the penultimate paragraph of this report. Please note that I have told him I will ask you to make particular efforts to assure that in the case of releases of sensitive and specially-compartmented intelligence the appropriate member of the community be consulted as to potential damage; and that I am asking you to report periodically to me on measures taken within your respective agencies and departments to implement these guidelines.


Richard Helms
Chairman

Attachments

GROUP 1
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downgrading and
declassification

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Attachment
USIB-D-9.2/39
23 April 1971
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Guidance Governing Disclosures of Classified Intelligence

As pointed out in the President's directive of December 21, 1970, subject "Disclosures of Classified Information and Coordination and Clearance of Official Statements," machinery now exists to protect all classified information. It is recognized that unauthorized disclosures of classified intelligence may involve thoughtlessness in the application of regulations and procedures already in effect. Further, with respect to sources and methods, widespread discussion of this subject, some of it unavoidable but much of it gratuitous, seems to have conveyed an impression in some parts of the Government that there is little, if anything, that is not known to the public. The protection of intelligence sources and methods continues to be of vital importance to our intelligence effort. The true origin of many categories of intelligence information to be used in public release or debate must be disguised and the use of all such information must be duly authorized. The responsibility for authorizing release and for devising proper disguise rests with the originating agency.

The President's directive of December 21, 1970, refers to the statutory responsibility of the Director of Central Intelligence for the protection of intelligence sources and methods. The National Security Act of 1947 specifically states:

"...And provided further, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;"

It is not to be expected that all consumers of intelligence, policy makers and others would recognize or be fully alert to potential danger to intelligence sources and methods resulting from release of intelligence. Consequently, it is believed that the intelligence community should take the leading role within their departments and agencies.

Chiefs of all components of the intelligence community should review the existing regulations and impress on all concerned the necessity to abide by them. The following specific actions should be taken:

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1. Review existing departmental and agency regulations governing the control of classified information to make sure that in every instance they meet the criteria required by the steadily increasing volume and significance of classified intelligence, particularly including sensitive compartmented intelligence. Particular emphasis should be placed on assuring that the need-to-know principle is strictly enforced.

2. Make sure that briefing and indoctrination procedures are reviewed with the objectives of paragraph 1 above in view. These procedures should be so designed as to assure that newly indoctrinated members of the intelligence community and other newly indoctrinated officials of the Government fully understand the differences which exist among various kinds of intelligence, with respect to danger to the source or method which would result from disclosure. It should also be the purpose of these procedures to explain the way in which cleared individuals can readily ascertain the clearance status of others before discussing classified information revealing intelligence sources and methods, and to make sure that they do so.

3. Provide for periodic reindoctrination and continuing education in special security practices and procedures relating to intelligence, in addition to those security procedures established as general policy, to include a program for prompt debriefing of individuals who no longer have a need-to-know.

4. Review procedures for authorizing and controlling disclosures and releases.

a. The responsibility of the intelligence chief for assessing the risk to intelligence sources and methods involved in deliberate disclosures should be delineated. There should be a review and assessment by intelligence authorities whenever any classified intelligence is proposed for declassification or for use in briefings, testimony, symposiums, seminars, speeches, writings for publication, presentations, courses of instruction, press releases, formal and informal interviews with press representatives, or other activities in the course of which there is a danger that intelligence sources and methods might be revealed.

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USIB-D-9.2/39

23 April 1971

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Each assessment should include methods by which such intelligence can be effectively and plausibly sanitized by or with the approval of the originating agency so as to protect the source. Sensitive intelligence to be disclosed should be clearly identified as such and the official disclosing it should be so cautioned when appropriate. This can be particularly important in dealing with some public information officials who cannot be expected to be fully familiar with the origins of such sensitive intelligence. Records should be maintained regarding any classified intelligence declassified or authorized for disclosure.

b. The facts surrounding inadvertent disclosure of classified intelligence to any person or persons not authorized for access to such intelligence should be reported to the appropriate intelligence chief, who will inform the originating agency in any potentially harmful case.

c. Any person having knowledge of any disclosure of classified intelligence made contrary to the regulations and controls of the department or agency concerned should promptly report it to the appropriate intelligence chief for action. Such action may include (1) such steps as are feasible to repair or limit the extent of the damage; (2) a request for investigation by appropriate authorities; (3) an assessment of the possible harm to intelligence sources and methods and notification to all intelligence authorities concerned; and (4) prompt notification to all official recipients that an unauthorized disclosure has occurred, together with advice of remedial action to be taken and guidance for responses to inquiries from public media representatives that may result from the compromise.

5. Take fully into account, in proposing the release of any intelligence derived from a joint project in the intelligence community, the interests of any other members of the intelligence community which might be concerned. If a department or agency authorizes the disclosure of sensitive

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intelligence from such a source, that agency is responsible for informing other USIB members of the action. Special attention should be given to defining the precise limits of the disclosure and to cautioning against inadvertent elaboration or extension beyond those limits.

6. In conjunction with appropriate authority, take, or assure that disciplinary action is taken where appropriate, in a just, clear, and definite manner which will demonstrate the extreme seriousness with which unauthorized disclosures are viewed. Where a violation of criminal statutes may be involved, any such case should be referred promptly to the Department of Justice.

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